Below is our COVID-19 Update for January 11, 2021:

Both the Senate and the House are in recess.

Aftermath of the Attack on the Capitol

* In a memo to House Republicans, House Minority Leader Kevin McCarthy (R-CA) announced he was against impeaching President Trump for his incitement of Wednesday’s assault on Capitol Hill. In the [memo](https://twitter.com/JakeSherman/status/1348739778041294851), obtained by Jake Sherman of Punchbowl News, Leader McCarthy states that impeachment would only be divisive for the nation, and offered four possible alternatives that he arrived at in consultation with Republican Members: (1) censure of President Trump, (2) the creation of a Bipartisan Commission to investigate the circumstances around the attack, (3) reform of the Electoral Count Act of 1887, and (4) legislation to promote voter confidence in future elections.
  + Leader McCarthy did not elaborate on what reforms would be applied to the Electoral Count Act, nor what legislation promoting voter confidence would entail.
* Senate Minority Leader Chuck Schumer (D-NY) is reportedly considering exercising an authority to reconvene the Senate this week as the House moves forward with an impeachment vote against President Trump. The authority he is considering was given to both Senate Majority and Minority Leaders to bring the Senate back under emergency circumstances.
  + The reasoning for exercising the authority would reportedly be to allow for an impeachment trial for President Trump should the House transmit the articles of impeachment to the Senate. The resolution granting the authority was passed in 2004 as a result of the September 11, 2001 attacks and allows Senate Majority and Minority leaders to reconvene at a time when, “in their opinion, such action is warranted by intervening circumstances.” Both Majority Leader McConnell and Minority Leader Schumer would have to agree to reconvene the upper Chamber. The Senate is not scheduled to reconvene beyond pro-forma session until January 19.
* Chairman of the House Appropriations Legislative Branch Subcommittee Tim Ryan (D-OH), which controls funding for the Capitol Police, [requested](https://timryan.house.gov/media/press-releases/reps-ryan-delauro-announce-appropriations-committee-review-law-enforcement) a considerable amount of information from the Capitol Police and said that the Subcommittee would be analyzing video footage of the attack on the Capitol.
* Today was Secretary of Transportation (USDOT) Elaine Chao’s last day after resigning amid the aftermath of last Wednesday’s attack on the Capitol. USDOT General Counsel Steven Bradbury will replace her in an acting capacity.

Developments Related to the Attack on the U.S. Capitol

* House Speaker Nancy Pelosi (D-CA) announced in a Dear Colleague [letter](https://www.speaker.gov/newsroom/11021-0) Sunday that the House would be moving ahead with steps to remove President Trump from office. Majority Leader Steny Hoyer (D-MD) asked unanimous consent to move a resolution calling on Vice President Mike Pence to invoke the 25th Amendment on the House floor this morning which was blocked by House Republicans.
  + The resolution will be brought to the floor tomorrow for a vote and, according to the letter, Vice President Pence will have 24 hours from passage to respond.
* Reps. David Cicilline (D-RI), Jamie Raskin (D-MD), Ted Lieu (D-CA), and House Judiciary Committee Chairman Jerry Nadler (D-NY) formally [introduced](https://int.nyt.com/data/documenttools/articles-impeachment-trump-xml/b0422e292cebafda/full.pdf) an article of impeachment this morning and reportedly have enough cosponsors and votes to pass the resolution. The article is directly tied to the attack on the Capitol last week and claims President Trump “incited violence against the Government of the United States.” Exact timing of a vote on the impeachment resolution in the House is not yet clear but it could occur as soon as Wednesday.
* It continues to be unlikely that impeachment will receive much Republican support in the House or Senate and though the time is short, it is important to remember that one of the strategies here may be to ensure President Trump cannot run for office again in the future.
  + Restricting President Trump’s ability to run for office again is contingent on the Senate convicting him, with such a restriction being imposed as part of their verdict.
  + Notably, conviction, even if retroactive, would also entail President Trump’s loss of other benefits of the presidency afforded to former presidents, such as lifetime Secret Service protection, associated travel coverage, a yearly stipend, and office space.
* It is also unclear that Speaker Pelosi would immediately send the articles of impeachment to the Senate so as to delay the beginning of a trial. Outgoing Senate Majority Leader Mitch McConnell (R-KY) commented that the earliest a trial could begin would be January 19, a day before the inauguration.
  + Late Friday night, Leader McConnell outlined the timeline for the Senate in a [memorandum](https://twitter.com/seungminkim/status/1347722877521567747/photo/1) sent to all Republican Senators. In the memorandum, he describes that it would require unanimous consent for the Senate to consider impeachment before January 19 during its pro forma sessions on January 12 or January 15.
* Members of the House Problem Solvers Caucus and a number of Senators reportedly met over the weekend to discuss their sense that impeachment could backfire on the incoming Administration and instead are advocating for Congress to censure President Trump.
* Sen. Pat Toomey (R-PA) called on President Trump to resign Sunday, becoming the second Republican Senator after Sen. Lisa Murkowski (R-AK) to do so. There have been few calls for resignation from within the Republican party to date.
  + As a reminder, Sen. Toomey is retiring at the end of his term in 2022.
* The House Sergeant at Arms and U.S. Capitol Police increased security for Members of Congress travelling to and from Washington, D.C. over the weekend in the aftermath of last week’s attack. The increased security involves a partnership with the Washington Metropolitan Airports Authority and the United States Air Marshals as well as stationing Capitol Police at all three major Washington, D.C area airports.
* Federal Aviation Administration (FAA) Administrator Steve Dickson announced that the FAA stands ready to take strong enforcement actions against any airline passengers endangering the lives of the crew and other passengers with their behavior on flights. The announcement comes after reports of passengers flying to and from Washington, D.C. in relation to last week’s pro-Trump protests and disruptions caused on flights.
  + Punishments can range from being placed on the No-Fly List, to fines up to $35,000 and prison time.
* Authorities in Washington, D.C. including the Department of Defense remain on alert as potential violence continues to be possible ahead of and on Inauguration Day. Virginia and Maryland National Guardsmen remain in the city supporting the D.C. National Guard.
  + Washington D.C. mayor Muriel Bowser in a Sunday [letter](https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release_content/attachments/Mayor%20Bowser%20to%20DHS%20Secretary%20Wolf%201-9-21.pdf) called on Secretary of the Interior David Bernhardt to deny any requests for permits for public gatherings between January 11-24.
  + Online discussions over a possible second attack on January 17 have raised concerns of more violence in the week preceding Inauguration Day. In a [note on Friday, January 8](https://blog.twitter.com/en_us/topics/company/2020/suspension.html), explaining the decision to suspend President Trump from Twitter, the company explained that plans for future armed protests and an explicitly proposed assault on the U.S. Capitol and state capitol buildings were already detected both on-and-off the website.
* Facebook announced Monday that the company will freeze political spending through the first quarter of 2021 in response to the attack on the U.S. Capitol.
  + Other corporations and major banks have announced similar moves and other tech companies are likely to follow suit as well as companies reviewing their political spending.
* Further Administration officials continue to depart the Administration in the wake of last Wednesday’s events. On Monday, Environmental Protection Agency (EPA) Associate Administrator for the Office of Policy Brittany Bolen, and Associate Administrator for the Office of Congressional and Intergovernmental Relations Joseph Brazauskas, announced they would be leaving the agency, and cited President Trump’s handling of the attack on the Capitol as a principal reason why.

Election and Transition News

* Visit our [Transition 2020 Hub](https://elevatega.com/transition-2020-hub/) for the latest roster of President-elect Biden’s choices to staff his Administration.
* The Biden transition team announced new members of the White House Counsel’s Office, including:
  + Paige Herwig to be Senior Counsel
  + Caroline McKay to be Chief of Staff and Deputy Associate Counsel
  + Other members include Tona Boyd, Ashley Deeks, Funmi Olorunnipa Badejo, Megan Ceronsky, Martine Cicconi, Sean Crotty, Neha Gupta, Janet Kim, Lauren Moore, Michael Posada, Maury Riggan, Larry Schwartzol, Jennifer Sokoler, Erica Songer, Samiyyah Ali, Justin Dews, Ephraim McDowell, Jaimie McFarlin, and Reema Shah.
* Progressive Members of Congress are urging President-elect Biden to use his executive rulemaking power to implement his agenda. This executive power could be used for economic recovery projects, infrastructure, and student debt cancellation.
  + Sen. Brian Schatz (D-HI), for example, said he is “pushing the incoming administration to do as much as possible in the executive order space,” and that the utilization of executive power creates “leverage for legislating.”
* President-elect Biden is expected to extend the Department of Education’s freeze on federal student loan payments and interest on the first day of his Presidency. According to incoming Deputy Director of the National Economic Council David Kamin, the extension is one of “a series of steps to alleviate the crushing financial burden of student debt.”
  + As a reminder, the freeze is currently set to expire on January 31.
* President-elect Biden is expected to nominate former Ambassador William Burns for Director of the Central Intelligence Agency (CIA) today. Burns would be the first CIA Director whose experience largely comes from the Department of State. He currently serves as the President of the Carnegie Endowment for International Peace.
* U.S. steel stakeholders including the American Iron and Steel Institute, United Steelworkers, the Steel Manufacturers Association, the Committee on Pipe and Tube Imports, and the American Institute of Steel Construction sent a letter to President-elect Biden Monday asking him to keep the Trump Administration’s steel tariffs in place. The letter is attached.
  + As a reminder, the Trump Administration imposed 25% tariffs on aluminum and 10% tariffs on steel in 2018 under Section 232 of the Trade Expansion Act of 1962.
  + Other business groups have already called on the incoming Biden Administration to remove the tariffs.
* Former Presidents Clinton, Bush and Obama and their spouses will join President-elect Biden and Vice President-elect Harris and their spouses for a wreath laying ceremony at the Tomb of the Unknown Soldier at Arlington National Cemetery immediately following the swearing-in ceremony at the U.S. Capitol. Although Vice President Pence will be attending the swearing-in ceremony, he is not expected to the attend the wreath laying ceremony.

COVID-19

* Rep. Bonnie Watson Coleman (D-NJ) tested positive for COVID-19 after being held in a room with unmasked Members of Congress during the assault on Capitol Hill last week.
  + The Congressional Attending Physician Brian Monahan warned Members of Congress that they may have been exposed to COVID-19 while sheltering and encouraged them to get tested as a precaution.
  + Rep. Donald Norcross (D-NJ) [announced](https://twitter.com/DonaldNorcross/status/1348649128872587268) that he will be taking a COVID-19 test due to potential exposure in the Capitol and that he was cancelling events.
* A [poll](https://cdn1.sph.harvard.edu/wp-content/uploads/sites/94/2021/01/Politico-HSPH-Jan-2021-PollReport.pdf) by Politico and Harvard University found extensive public support for additional government action to combat COVID-19. Of the respondents, 90% supported additional aid for businesses and individuals and 80% supported expanded support of testing, vaccination, and food stamps.
* Senate Democrats sent a letter urging the Trump Administration to increase resources distributed to states and fix “significant failures” in COVID-19 vaccine distribution, citing a lack of “planning, communication, and leadership.” The letter emphasized the need for an accelerated vaccination timeline, as only 9M people have received vaccines and only one-third of distributed vaccines have been administered. The letter is attached.
* The Small Business Administration (SBA) Inspector General released a [report](https://www.sba.gov/document/report-21-06-management-alert-paycheck-protection-program-loan-recipients-department-treasurys-do-not-pay-list) on the Paycheck Protection Program (PPP) which found that $3.6B in PPP loans may have been given to ineligible employers, based on the Department of Treasury’s Do Not Pay List. The report encouraged better management of ineligibility data and urged the SBA not to forgive ineligible loans.
* The Department of the Treasury released the application for Payroll Support Program extension (PSP2) for passenger air carriers and contractors, as authorized in the end-of-year appropriations bill. The application can be found [here](https://home.treasury.gov/policy-issues/cares/preserving-jobs-for-american-industry/psp2).
* Small, minority-focused lenders, led by the Community Development Bankers Association, warned the SBA and Department of the Treasury that they are not prepared for the next round of PPP loans, which began today and were set to first prioritize minority-owned businesses.
  + The lenders requested additional time to prepare for the loans and train more staff. The Community Development Bankers Association is comprised of community development financial institutions that serve low- and moderate-income areas.

Congress

Senate

* Sen. Sherrod Brown (D-OH) is set to become Chairman of the Senate Banking Committee. According to reports, his top priorities as Chairman are expected to include:
  + COVID-19 economic relief
  + Expansion of affordable housing
  + Regulatory actions on banks and investment firms that make climate-risk investments
  + Racial justice

House

* House Appropriations Committee members Reps. Barbara Lee (D-CA) and Mark Pocan (D-WI) are “looking at strategies” to cut 10% of defense spending in order to further fund non-military needs. They continue to look for further support for the cuts.
  + Reps. Lee and Pocan cited “waste, fraud, and abuse” and “military contractor fraud” as reasons to reign in defense spending, in addition to the COVID-19 pandemic response as one area where the funds could be used.
* Both the House and Senate Armed Services Committees have scheduled hearings with retired Gen. Lloyd Austin, President-elect Biden’s nominee to be Secretary of Defense, regarding civilian control over the military. The hearings are largely seen as a pre-requisite to votes on whether to grant Gen. Austin a waiver to serve as Secretary of Defense. As a reminder, the waiver is necessary because Gen. Austin has not been out of the military for the required seven years.
  + The Senate Armed Services Committee will hold its hearing tomorrow and then hold a confirmation hearing for Gen. Austin on January 19.
  + The House Armed Services Committee will hold its hearing on January 21.

Administration

* Acting Secretary of Homeland Security Chad Wolf is stepping down effective midnight tonight. Federal Emergency Management Agency (FEMA) Administrator Peter Gaynor will take over the role until January 20.
  + In a brief statement, he stated “effective 11:59 p.m. today, I am stepping down as your Acting Secretary. I am saddened to take this step, as it was my intention to serve the Department until the end of this Administration.” In the statement, Wolf notably cited ongoing court rulings that have challenged his authority as Acting Secretary of the Department.
* The Federal Transit Administration (FTA) [reached](https://www.transit.dot.gov/about/news/us-department-transportation-announces-7665-million-grant-agreement-new-jersey-transit) a $766.5M Capital Investment Grant agreement with the New Jersey Transit Corporation. This grant will be used on the Portal North Bridge Project to increase bridge capacity and improve commuter rail service between New York and New Jersey.
  + As a reminder, the Portal North Bridge is part of the Gateway project which received a lot of attention during the Trump Administration as Congressional Democrats and USDOT sparred over funding for the project.
* The State Department designated Cuba as a state sponsor of terrorism, making it more difficult for President-elect Biden to restore Obama-era diplomatic ties with Cuba.
  + Current members of the U.S. list of state sponsors of terrorism include Syria, Iran, and North Korea. President Obama removed Cuba from the list in 2015.
  + President-elect Biden has indicated that he wants to strengthen economic and travel ties with Cuba in order to foster capitalism and democracy in the country.
  + The Biden Administration could reverse the designation via a formal review by the State Department and waiting 45 days after announcing the reversal to Congress.
* Centers for Medicare & Medicaid Services (CMS) Administrator Seema Verma is encouraging states to quickly sign agreements that solidify a nine-month process to eliminate Medicaid waivers. This process would be initiated if CMS decides to end, amend, or withdraw a state’s Medicaid experiment.
  + This would likely make it more difficult for the Biden Administration to repeal changes to Medicaid made by the Trump Administration.
* The Environmental Protection Agency (EPA) is expected to grant a series of waivers from the Renewable Fuel Standard biofuel blending requirements as soon as this week. There were 32 petitions for exemptions, which were reevaluated due to the reduced demand for fuel in 2020.
  + In January 2020, the U.S. Court of Appeals for the 10th Circuit ruled that a refinery can only receive a new waiver if it had received exemptions annually since the program began in 2011. The EPA has not said if it will apply this decision to refineries outside of Oklahoma, Kansas, New Mexico, Colorado, Wyoming, and Utah.
* The Federal Transit Administration announced this morning that it has allocated $14B in additional COVID-19 relief to transit agencies that was provided by the end-of-year package enacted by Congress in December. As a reminder, the funding is broken down as follows and will be distributed according to the respective existing apportionment formulas for each program:
  + $13.27B to large and small urban areas under 5307 Urbanized Area Formula Grants
  + $678.2M allocated to rural areas and tribes under 5311 Rural Area Formula Grants
  + $50M allocated for 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grants
* The National Highway Traffic Safety Administration (NHTSA) is seeking comments on an [updated version](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/vehicle_cybersecurity_best_practices_01072021.pdf) of cybersecurity best practices for car safety in a Federal Register notice from [last week](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/cbpsmv_federal_register_notice_01072021_0.pdf).

Other News

* K. Dane Snowden will become President and CEO of the Internet Association beginning in February. Snowden is currently the COO of NCTA - The Internet & Television Association.
  + Members of the Internet Association include Facebook, Microsoft, Amazon, Twitter, Uber, and Airbnb.
* Facebook announced that it will remove all content that uses the phrase “stop the steal,” which was a common phrase among those who attacked the Capitol last week in an attempt to overturn the results of the Presidential election. Facebook [cited](https://about.fb.com/news/2021/01/preparing-for-inauguration-day/) the continued threat of violence leading up to President-elect Biden’s inauguration.
* Google, Apple, and Amazon have all taken action against social media app Parler, which has become popular with conservatives and far-right extremists. Google and Apple have suspended the app from their app stores while Amazon announced that it would cut off Parler’s ability to host on Amazon Web Services by midnight Sunday.
  + All three companies cited Parler’s lack of content moderation policy and threats of violence on the platform as reasons for the actions.

Federal Register Notices

* The Environmental Protection Agency (EPA) issued a final rule on greenhouse gas emission standards in “certain classes of engines used by certain civil subsonic jet airplanes with a maximum takeoff mass greater than 5,700 kilograms and by certain civil larger subsonic propeller-driven airplanes with turboprop engines having a maximum takeoff mass greater than 8,618 kilograms.” The new standards match those adopted by the International Civil Aviation Organization (ICAO) and are effective immediately. The notice can be found [here](https://www.federalregister.gov/documents/2021/01/11/2020-28882/control-of-air-pollution-from-airplanes-and-airplane-engines-ghg-emission-standards-and-test).
* The Federal Communications Commission (FCC) proposed amendments to allow FM broadcasters to use FM booster stations to broadcast geo-targeted content without using its primary station signals in parts of the protected service contour during the broadcast hour. Comments must be received by February 10. The notice can be found [here](https://www.federalregister.gov/documents/2021/01/11/2020-28784/fm-broadcast-booster-stations-modernization-of-media-initiative).
* The Wireline Competition Bureau announced the invoicing deadline for the COVID-19 Telehealth Program and provided additional information on the post-program report. The deadline is July 31. The notice can be found [here](https://www.federalregister.gov/documents/2021/01/11/2021-00315/wireline-competition-bureau-and-office-of-the-managing-director-set-july-31-2021-invoicing-deadline).
* The National Telecommunications and Information Administration (NTIA) requested comments on a potential 5G Challenge to facilitate development of the open 5G stack ecosystem to support Department of Defense missions. Comments must be submitted by February 10. The notice can be found [here](https://www.federalregister.gov/documents/2021/01/11/2021-00202/5g-challenge-notice-of-inquiry).